

REMARKS

In the final Office Action mailed January 5, 2004, the Examiner objected to the drawings under 37 C.F.R. § 1.83(a), objected to the specification under 37 C.F.R. § 1.75, rejected claims 1-27 under 35 U.S.C. § 112, first and second paragraphs, rejected claims 1-4, 6, 11, 13-20, 22, 23, 25 and 26 under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 4,131,331 ("Kendall, Jr."), rejected claims 5, 7-10, 21, 24 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Kendall, Jr. in view of United States Patent No. 5,098,311 ("Roath et al.") and rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Kendall, Jr. in view of United States Patent No. 5,713,744 ("Laub").

By the present amendment, the specification and Figures 1 and 2 have been amended. Entry of this amendment under 37 C.F.R. § 1.116 is respectfully urged because it places the application in condition for immediate allowance, or in the alternative narrows the issues for appeal. Claims 1-27 are currently pending in this application, with claims 28-30 currently withdrawn from consideration.

In response to the Examiner's objection to the drawings under 37 C.F.R. § 1.83(a), the applicant has amended Figures 1 and 2 to identify the location of the thickness T of the dielectric housing. Applicant, therefore, respectfully requests that the Examiner withdraw the objection to the drawings.

In response to the Examiner's objection to the specification under 37 C.F.R. § 1.75, the applicant has amended the specification to clearly set forth the thickness T of the dielectric housing. Applicant, therefore, respectfully requests that the Examiner withdraw the objection to the specification.

The Examiner rejected claims 1-27 under 35 U.S.C. § 112, first paragraph, stating that the thickness of the housing was not described in the specification or shown in the drawings. As applicant has amended the drawings and the specification to address this concern, applicant is of the opinion that claims 1-27 comply with 35 U.S.C. § 112, first paragraph. As such, the applicant respectfully requests that the Examiner withdraw the rejection of claims 1-27 under 35 U.S.C. § 112, first paragraph.

The Examiner rejected claims 1-27 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner asserted that the phrase "retention members engaging at least one of said contacts so as to impart an ungapped

condition to the connector” recited in claims 1 and 22 was not definite. Applicant disagrees.

As is clearly recited in claims 1 and 22, the ungapped condition is “at the location of the retention member within the housing” and that the ungapped condition “substantially prevents passage of liquid”. Thus, applicant is of the opinion that one skilled in the art would find that claims 1-27 of the present invention are definite.

As to the response to applicant’s arguments above, the Examiner stated that they were not persuasive, and further stated that the ungapped condition is provided between the contacts and the retention member, not the entire connector. However, by virtue of the fact that the applicant’s invention has an ungapped condition at the location of the retention member within the housing, the entire connector has a resulting ungapped condition. As such, applicant once again requests that the Examiner withdraw the rejection of claims 1-27 under 35 U.S.C. § 112, second paragraph.

The Examiner rejected claims 1-4, 6, 11, 13-20, 22, 23, 25 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Kendall, Jr. In asserting that Kendall, Jr. rendered the rejected claims obvious, the Examiner characterized the thickness of the housing in Kendall, Jr. as being the same “with and without the receptacle”. Applicant respectfully disagrees.

As shown on the annotated Figures 1 and 2 of Kendall, Jr., the thickness of the housing at the location without the receptacle (“T1”) is substantially smaller than the thickness of the housing at the location with the receptacle (“T2”). Thus, applicant disagrees with the Examiner’s characterization of Kendall, Jr. As such, for at least this reason, claims 1-4, 6, 11, 13-20, 22, 23, 25 and 26 are not rendered obvious by Kendall, Jr. Accordingly, applicant respectfully requests that the Examiner withdraw the rejection of claims 1-4, 6, 11, 13-20, 22, 23, 25 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Kendall, Jr.

The Examiner rejected claims 5, 7-10, 21, 24 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Kendall, Jr. in view of Roath et al. Claims 5, 7-10, 21, 24 and 27 are all ultimately dependent upon either claim 1 or 22, which the applicant has argued is not obvious for at least the reason stated above. Since Roath et al. does not overcome the shortcomings stated above, the combination of Kendall, Jr. and Roath et al. does not establish a *prima facie* case of obviousness. Accordingly, applicant respectfully requests that the Examiner withdraw the rejection of claims 5, 7-10, 21, 24 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Kendall, Jr. in view of Roath et al.

The Examiner rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over

Kendall, Jr. in view of Laub. Claim 12, which depends from claim 1 which the applicant has argued is not obvious for at least the reason stated above. Since Laub does not overcome the shortcomings of Kendall, Jr., the combination of Kendall, Jr. and Laub does not establish a *prima facie* case of obviousness. Accordingly, applicant respectfully requests that the Examiner withdraw the rejection of claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Kendall, Jr. in view of Laub.

Applicant respectfully requests that the Examiner reconsider the rejections in view of the amended specification and drawings and in light of the above remarks, and allowance of all claims is respectfully requested.

Should the Examiner believe that a telephone conversation would facilitate the prosecution of the above-identified application, the Examiner is invited to call applicant's attorney.

Respectfully submitted,

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Application No. 09/482,135

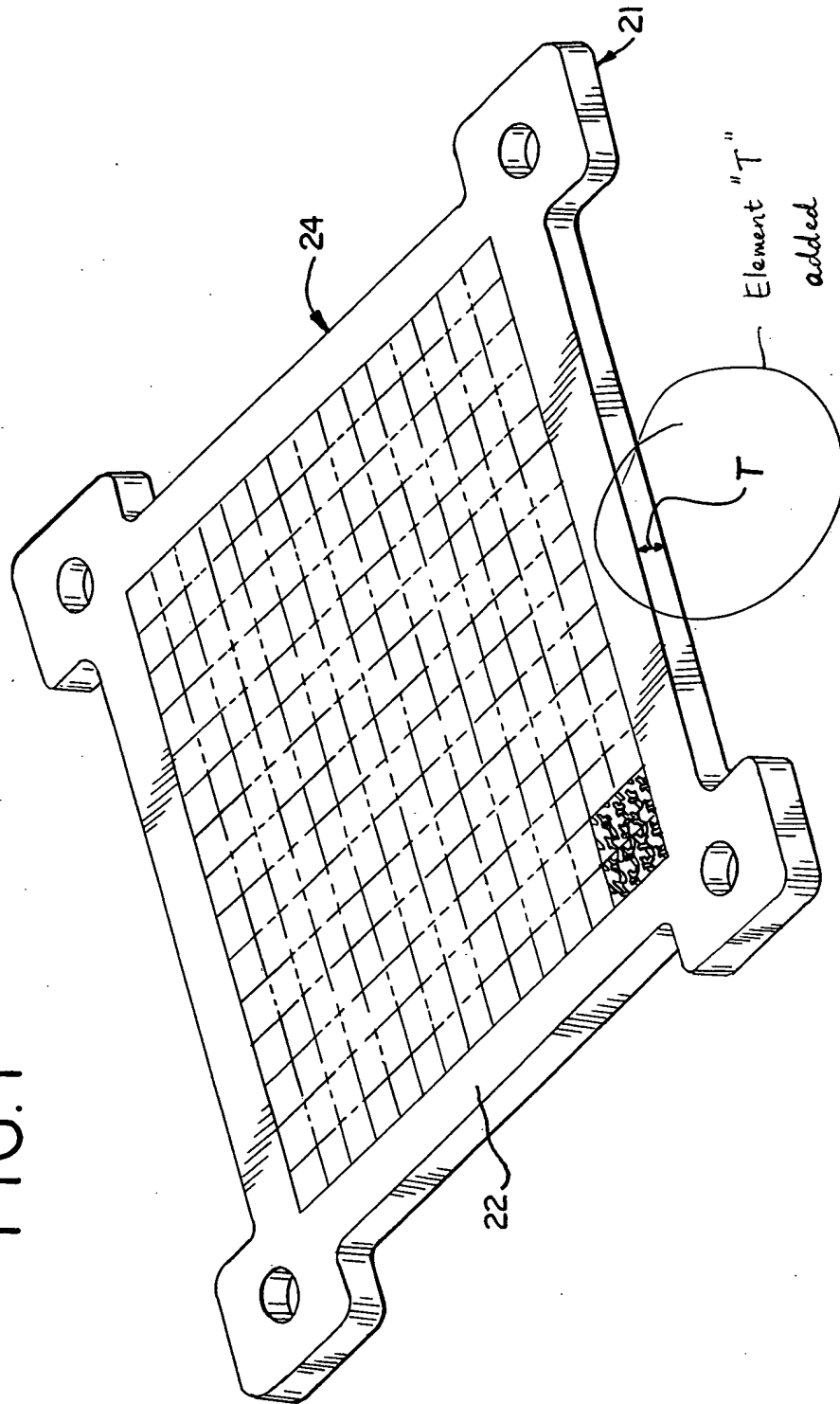
Amendment Dated April 2, 2004

Reply to Office Action of January 5, 2004

Annotated Sheet Showing Changes



FIG. 1





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FIG. 2

Element "T"
added

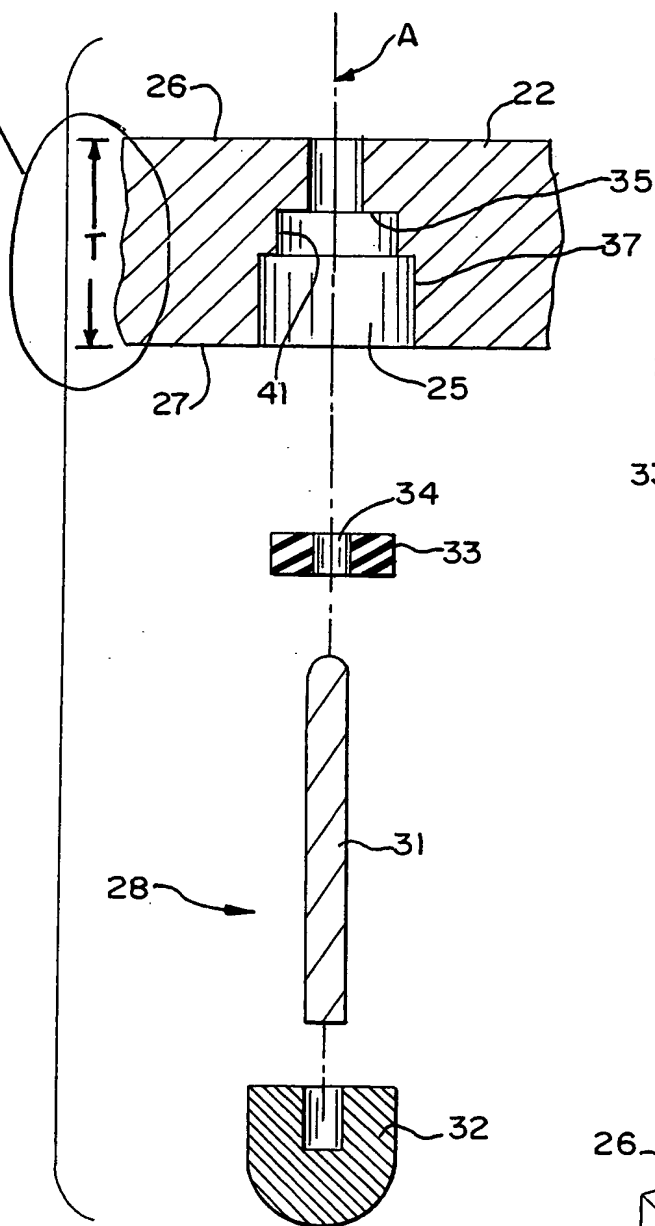


FIG. 3

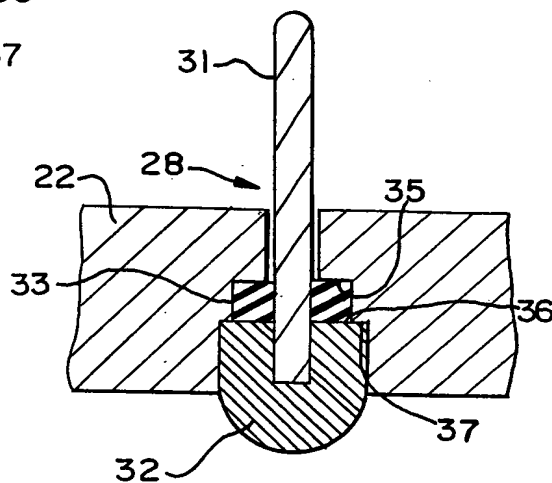


FIG. 4

